

**MINUTES
NEVADA STATE BOARD OF OPTOMETRY
REGULAR MEETING**

September 19th, 2008
Thomas & Mack Center
University of Nevada Las Vegas
Meeting Room B
4505 Maryland Parkway
Las Vegas, Nevada

A regular meeting of the Nevada Board of Optometry was called to order by Board President, Brad C. Stewart, O.D., at 9:30 a.m. on September 19th, 2008, in Meeting Room A, of the Thomas and Mack Center, University of Nevada Las Vegas, Las Vegas, Nevada.

Present at the meeting were:

Brad C. Stewart, O.D., Board President
Geoffrey F. Chiara, O.D., Board Member
Vincent A. Gassen, O.D., Board Member
Sherese Settlemeyer, Public Board Member
Judi D. Kennedy, Executive Director
Cameron P. Vandenberg, Deputy Attorney General

Also present at the meeting was:

David J. Mortensen, Counsel for Elise Millie, O.D.

Dr. Stewart asked for public comment. There was no public comment.

Agenda Item 2. Dr. Stewart opened the Formal Hearing in the matter of the Accusation of Judi D. Kennedy, as Executive Director vs. Carla Mack, O.D. a/k/a Carla Scharbach, at 9:37 a.m. Dr. Mack appeared via telephone.

Deputy Attorney General Vandenberg administered the oath to Dr. Mack.

Dr. Stewart stated for the record the Board would consider the Accusation, the April 23rd, 2008, Judgment of the Second Judicial District Court, and two letters from Dr.

Mack to the Board. Dr. Stewart confirmed for the record the members of the Board had reviewed the documents, and stated the allegation of the Accusation was that Dr. Mack had violated the provisions of NRS 636.295[5].

Dr. Stewart asked if Dr. Mack wished to make a statement to the Board.

The members of the Board heard the testimony of, and questioned Dr. Mack.

The Board found Dr. Mack had violated the provisions of NRS 636.295[5], and that discipline should be imposed as provided by NRS 636.295. By unanimous vote the Board revoked Dr. Mack's license to practice optometry in the State of Nevada for the period of her incarceration, plus a period of six [6] months, and assessed an administrative fine in the amount of \$500.

Dr. Stewart closed the hearing at 9:53 a.m.

Agenda Item 6. Subpoena to Produce Documents requiring Elise Millie, O.D. to produce copies of any operating/sublease, or other agreement with Valley Eye Center, CompHealth, or any other unlicensed entity relating to Dr. Millie's practice of optometry in the State of Nevada. Dr. Stewart noted for the record Dr. Millie had produced the requested documents, and asked Mr. Mortensen if he wished to make a statement to the Board. Mr. Mortensen replied in negative, stating he only wished to observe the discussion.

After discussion and review of the documents, Dr. Chiara moved Ms. Kennedy file a complaint against Dr. Millie alleging violation of NRS 636.300[2] and NRS 636.373 [3]. Dr. Gassen seconded the motion. The vote was unanimous.

Mr. Mortensen advised the Board that Dr. Millie had resigned her position at Valley Eye Center, but that she had agreed to stay on for a period of thirty [30] days to

ensure continuity in patient care. The Board agreed that a reasonable transition time was warranted. Ms. Kennedy advised Mr. Mortensen that Dr. Millie should take the necessary steps to make sure patients records were available to the patients if requested.

Agenda Item 3. The Minutes of the July 18th, 2008, regular meeting were presented for approval. Dr. Chiara moved the Minutes be approved as drafted. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 4. The Minutes of the August 1st, 2008, special meeting were presented for approval. Dr. Stewart requested the words "his words" be changed to "Mr. Ohlson's words" in the last sentence of the second paragraph on Page 5. With that change made, Dr. Chiara moved the Minutes be approved. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 5. Complaint of Lindsey Perondi, vs. Glen Roter, O.D. The Board reviewed the Complaint and the Response of Dr. Roter. During discussion, the Board found there was no HIPPA violation, and that the remaining allegations of Ms. Perondi's complaint were employer/employee related. Dr. Chiara moved the Complaint be dismissed for lack of jurisdiction. Dr. Gassen seconded the motion. The vote was unanimous.

Agenda Item 7. Review of correspondence to the Board regarding Farnaz Khankhanian, O.D.

The Board reviewed the January 5th, 2008, correspondence from Edward Steinmetz, M.D. After discussion, Dr. Gassen moved there be no further discussion of, or action taken regarding the letter. Dr. Chiara seconded the motion. The vote was

unanimous.

The Board reviewed the March 18th, 2008, correspondence from the staff of National Vision Store 1648. After discussion, and with the agreement of Ms. Vandenberg, Dr. Gassen moved the Board investigate the circumstances surrounding the hand written statements from the staff of National Vision Store 1648 denying they had written March 18th, 2008, letter to the Board. Dr. Chiara seconded the motion. The vote was unanimous.

Agenda Item 8.

The Board reviewed the 2008-2009 Budget. Dr. Chaira moved the budget be approved as prepared. Ms. Settelemeyer seconded the motion. The vote was unanimous.

The Board reviewed the proposal for lobbying services submitted by Robert Crowell, Esq. for the 2009 legislative session. Dr. Chiara moved the proposal be accepted. Dr. Gassen seconded the motion. The vote was unanimous.

Dr. Stewart asked for public comment. There was no public comment.

The Board scheduled a regular meeting to be held via telephone conference on November 14th, 2008. The Board scheduled a regular meeting to be held in Reno, Nevada, on January 30th, 2009.

Dr. Chiara moved the meeting adjourn. Dr. Gassen seconded the motion. The meeting adjourned at 10:32 a.m.

